FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CRIMINAL APPLICATION NO. 633 OF 2005
IN
CRIMINAL APPEAL NO.222 OF 2004.

Kulmit Swarup Saggu @ Kaka. ..Applicant.
vs.
The State of Maharashtra. ..Respondent.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri R.W.Adik, Senior Counsel with Peter Lobo and Sachin Kadam for the applicant.
Shri D.P.Adsule, A.P.P. for the State.

CORAM: V.M.KANADE,J.
DATED: 2-3-2005.

P.C.:

1. Heard learned Counsel appearing on behalf of the applicant and the learned A.P.P. for the State.

2. This is an application for bail filed by the applicant, who was arrested after he was convicted by the trial Court for having committed an offence punishable under section 255 read with section 34 of the Indian Penal Code and is sentenced to suffer R.I. for 7 years and to pay a fine of Rs. 5,000/-. After filing appeal, an application was preferred to this Court for seeking bail. The said application was rejected on merits. Thereafter, S.L.P. was preferred in the Supreme

Court. However, the Supreme Court dismissed the said S.L.P. Liberty was however, granted to the petitioner to file fresh application for bail.

3. In the present application, the applicant seeks bail on medical ground. It is submitted that the applicant's wife is suffering from Cancer and, therefore, the applicant may be released on bail for a period of 4 months, so that he can make arrangement to see that medical facilities are made available to his wife. In support of the said submission, the applicant has relied on certificate issued by Dr. Jayesh Shah.

4. It is not possible to accept the submissions made on behalf of the applicant. Application for bail filed by the applicant has been rejected on merits by this Court. The certificate on which reliance is placed does not state that the applicant's wife is suffering from Cancer. In the certificate, an opinion is given by the Doctor which reads as under

" Mammography reveals 'Diffused

density. Calcification of the (R) breast, with lymph mode in the axilla. Advised biopsy and thereafter surgery to rule carcinonia/malignacy."

5. From the above, it can be seen that the wife of the applicant is advised biopsy and thereafter surgery to rule out malignacy. In this view of the matter, no case is made out for grant of bail.

Application is rejected.